

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PATRICK PIZZELLA,	:	CIVIL ACTION
	:	NO. 18-4663
Plaintiff	:	
v.	:	
	:	
EMPIRE DINER, et al.,	:	
	:	
Defendants	:	

**ORDER**

**AND NOW**, this **27th** day of **April, 2021**, after considering Plaintiff's Motion for Summary Judgment (ECF No. 40) and Defendants' Motion for Summary Judgment (ECF No. 44) and all responses thereto and related filings, and for the reasons stated in the accompanying memorandum, it is hereby **ORDERED** as follows:

1. Plaintiff's Motion for Leave to File a Reply Brief (ECF No. 45) is **GRANTED**;

2. Defendants' Motion for Summary Judgment (ECF No. 44) is **DENIED in full**;

3. Plaintiff's Motion for Summary Judgment (ECF No. 40) is **DENIED in part and GRANTED in part**. Plaintiff's Motion is **DENIED** as to the issues of back wages, liquidated damages, injunctive relief, whether Defendant Engin Gunaydin is an employer under the FLSA, and whether Defendants' violations were willful. Plaintiff's Motion is **GRANTED** in relation to

establishing minimum wage, overtime, and recordkeeping violations.

**AND IT IS SO ORDERED.**

*Eduardo C. Robreno*  

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EDUARDO C. ROBRENO, J.